

1-1 By: Hill (Senate Sponsor - Carona) H.B. No. 2094
1-2 (In the Senate - Received from the House April 16, 2007;
1-3 April 17, 2007, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 19, 2007, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 6, Nays 0; May 19, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2094 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to hearings for owners or operators of vehicles that are
1-11 towed and subsequently stored in a facility.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 685.009(a), (b), and (e),
1-14 Transportation Code, are amended to read as follows:

1-15 (a) A hearing under this chapter shall be held before the
1-16 14th [10th] working day after the date the court receives the
1-17 request for the hearing.

1-18 (b) The court shall notify the person who requested the
1-19 hearing, ~~and~~ the person or law enforcement agency that authorized
1-20 the removal of the vehicle, and the vehicle storage facility in
1-21 which the vehicle was placed of the date, time, and place of the
1-22 hearing in a manner provided by Rule 21a, Texas Rules of Civil
1-23 Procedure [by registered or certified mail]. The notice of the
1-24 hearing to the person or law enforcement agency that authorized the
1-25 removal of the vehicle shall include a copy of the request for
1-26 hearing.

1-27 (e) The court may award:

1-28 (1) court costs to the prevailing party;

1-29 (2) the reasonable cost of photographs submitted under
1-30 Section 685.007(b)(8) to a vehicle owner or operator who is the
1-31 prevailing party; ~~and~~

1-32 (3) an amount equal to the amount that the towing
1-33 charge exceeded fees regulated by a political subdivision or
1-34 authorized by this code or by Chapter 2303, Occupations Code; and

1-35 (4) reimbursement of fees paid for vehicle towing and
1-36 storage.

1-37 SECTION 2. Chapter 685, Transportation Code, is amended by
1-38 adding Section 685.011 to read as follows:

1-39 Sec. 685.011. ENFORCEMENT OF AWARD. An award under this
1-40 chapter may be enforced by any means available for the enforcement
1-41 of judgment for debts.

1-42 SECTION 3. The changes in law made by this Act apply only to
1-43 a motor vehicle removed and stored on or after the effective date of
1-44 this Act. The removal and storage of a vehicle before the effective
1-45 date of this Act is governed by the law in effect on the date the
1-46 vehicle was removed and stored, and the former law is continued in
1-47 effect for that purpose.

1-48 SECTION 4. This Act takes effect September 1, 2007.

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